Claims 1-12 are pending.

Claims 1-12 stand rejected under 35 U.S.C. 112, second paragraph, for various reasons more specifically indicated in the office action.

The Examiner contends that the expression "a sealing area" is unclear. The present invention is directed to a sealable film. Those skilled in the art of sealable films know that said films are sealed in sealing areas. Such skilled persons, when reading Applicants' claims, in view of the description in combination with their own skills, will fully understand what the sealing area recited in claim 1 is.

Those skilled in the art to which the present invention pertains are also familiar with the technology used to apply decorative printing (i.e., with printing inks) to their films. Such persons will be entirely familiar with the expression "full-tone gravure depth" as a description of the nature of the printing involved.

With respect to the "orientation' issue raised in regard to Claim 10, the amendments made herein make it clear that the lacquer printing in the sealing area and the decorative printing outside the sealing area are all on the pretreated side of the film.

The remaining 35 U.S.C. 112, second paragraph issues are believed obviated by amendment.

The rejection of Claims 1-12 under 35 U.S.C. 112, second paragraph, should accordingly now be withdrawn.

Claims 1, 4, 5, 7, 9-12, and 14 stand rejected under 35 U.S.C. 102(e) as anticipated by USPN 6,159,568 to Freedman et al.

Initially, it must be pointed out that the Examiner's contention that Freedman teaches a biaxially oriented polypropylene film is not correct. Nowhere does Freedman teach or suggest that his films should be biaxially stretched. More to the point, Freedman's claims specifically recite that the films are ***not*** biaxially stretched (Claim 1, Col. 10, line 31).

Freedman's labels comprise a layered film material containing a separation interface, and the layered film exists as a layered film from the instant it is made. The "peelable" layer 15 is made up of layers 12 and 14, and it is layer 14 that meets layer 16, which is a core or stiffening layer, at a separation interface S. Layers 14 and 16 are in intimate contact from the time they are made. Note that layer 12, which is an outside layer, is a polypropylene homopolymer (Col 4, line 10), and layer 16 is a polyethylene blend (Col. 4, line 13). Note further that layer 16, the polyethylene layer, is covered with an adhesive 18 (Fig. 1). Freedman's film is therefore not a heat-sealable film, and has no "sealable area".

In Applicants' film, by contrast, a thermoplastic lacquer is printed in a special pattern in a specific area. This enables the seal strength and the peeling behavior of the seal to be controlled by the design of the printing pattern (Col. 3 lines 10-11). There is no hint of anything like this in Freedman. Freedman has to adjust the composition of his layers to "Engineer" the strength of the separation interface S.

Applicants' films are ***heat sealable***, meaning that they can be used to form a package, fill the package and then seal the package; or they can be used to wrap something up, and then seal the wrapping closed. Applicants' lacquer can be applied during the production of the film, without actually completing the seal...the seal can then be completed by the end user. Applicants' films are ready-to-use when received by the end-user, and do not need a separate step to apply a peeling lacquer at the end-user's site. Freedman's labels cannot be so used, and Freedman neither teaches nor suggests anything about any films that would have those capabilities.

Applicants' film is also sealable in an inside/outside configuration (i.e., sealing layer against non-sealing layer) [See Example 1]. There is no hint of even the possibility of doing that with a polypropylene film in Freedman.

Freedman's labels are therefore completely different than Applicants' films, in several ways, and Freedman cannot possibly anticipate Applicants' novel heat sealable films, having a seal strength which is controlled by the pattern of thermoplastic lacquer.

The rejection of Claims 1, 4, 5, 7, 9-12, and 14 under 35 U.S.C. 102(e) as anticipated by USPN 6,159,568 to Freedman et al should accordingly now be withdrawn.

Claims 2, 4, 6, and 13 stand rejected under 35 U.S.C. 103(a) as obvious over Freedman (US 6,159,568) and further in view of Kielbania, Jr. (US 4,507,342) and Yamada et al (4,182,457).

The Examiner acknowledges that Freedman is silent as to the addition of polyvinyl butyral (PVB) [thus providing a further reason for withdrawing the '102 rejection]. The Examiner relies on Kielbania Jr. for what she sees as the inclusion of adhesive paint/decorative ink polymers such as PVB.

It must be pointed out once again that Applicants' lacquer is applied to a sealing area of Applicants' BOPP film. In the language cited by the Examiner in Kielbania, Jr., one can see that Kielbania first applies his novel adhesive as a film, and then applies a further polymer, such as a polyvinyl butyral, on top of the adhesive. Kielbania's polyvinyl butyral is a separate layer in and of itself, and is not a lacquer and is not applied in a pattern to a sealing area.

In addition, the Examiner has not shown how application of a layer of polyvinyl butyral will overcome any of the differences pointed out above between Applicants' film and that of Freedman.

In addition, the Examiner is not correct in his assertion that Freedman and Kielbania are in the same field of endeavor. Freedman is concerned with the application of a removable label to a bottle. Kielbania is concerned with the application of a vinyl addition polymer to a substrate as a coating, tiecoat, adhesive or binder. Kielbania is not concerned with removability...he is concerned with forming a strong adhesive bond (see Col. 1, lines 9-29). Thus, Freedman and Kielbania would never be combined and, as shown, even if they were, could not possibly result in Applicants' film.

The Examiner relies on Yamada for the inclusion of a saponified EVA copolymer ***as a film***. This is not a lacquer, and its application has nothing to do with Applicants use of a special lacquer, applied as a pattern in a sealing area.

The combination of Kielbania's and Yamada's teachings with those of Freedman will not in any way overcome any of the deficiencies of Freedman, and could never lead those skilled in the art to Applicants' novel heat sealable films.

The rejection of Claims 2, 4, 6, and 13 under 35 U.S.C. 103(a) as obvious over Freedman (US 6,159,568) and further in view of Kielbania, Jr. (US 4,507,342) and Yamada et al (4,182,457) should accordingly be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-12 are now in condition for allowance. Reconsideration of said claims by the Examiner is

respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

Additional Fee

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS

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I hereby certify that this correspondence is being transmitted via facsimile addressed to Hon. Assistant Commissioner For Patents, Washington, D.C. 20231 on January 8, 2003.

_____
William C. Gerstenzang

Date: January 8, 2003

MARKED-UP COPY OF AMENDED PARAGRAPH
SHOWING CHANGES RELATIVE TO PREVIOUS VERSION

The present patent application [claims the right of priority under 35 U.S.C. 119 and 35 U.S.C. 365] ***is a 371*** of International Application No. PCT/EP99/09775, filed 10 December 1999, which was published in German as International Patent Publication No. WO 00/39200 on 6 July 2000, which is entitled to the right of priority of German Patent Application No. 198 59 689.9 filed 23 December, 1998.

MARKED-UP COPIES OF AMENDED CLAIMS
SHOWING CHANGES RELATIVE TO PREVIOUS VERSIONS

Claim 1 (twice amended). A coextruded ***heat sealable biaxially oriented polypropylene*** (BOPP) film with peelable sealing properties, [wherein] ***having an ink-free sealing area within which a screen pattern is printed with a thermoplastic lacquer*** [on the film is printed in a sealing area which has been left ink-free with a thermoplastic lacquer in a screen-type pattern], which lacquer comprises one of: (i) at least one polyvinyl butyral (PVB); [and] ***or*** (II) at least one ethylenevinyl acetate copolymer (EVA copolymer) [as the feature-determining solid component], said thermoplastic lacquer being only weakly sealable to coextruded BOPP.

Claim 2 (twice amended). The film of Claim 1 wherein the lacquer used is only weakly sealable to untreated coextruded ***biaxially oriented polypropylene*** (BOPP) surfaces and contains polyvinyl butyral (PVB) [as the determining solid component].

Claim 5 (twice amended). The film of Claim 1, wherein the lacquer is applied with [defined] partial coverage and with full-tone gravure depth.

Claim 10 (twice amended). The film of Claim 1 wherein the film has an electrically pretreated side, ***said sealing area is on said electrically pretreated side, and said film, in addition to being printed with said thermoplastic lacquer in said sealing area, is printed with a printing ink*** [and] ***on said electrically pretreated side***

outside *of* the sealing area, [the film is printed on the el ctrically pretreated side] by means of a register-controlled gravure printing.

Claim 11 (twice amended). The film of Claim 1, wherein the lacquer of the ink-free sealing area is in the form of: (a) continuous strips on the edge of the film [reel]; or (b) of uniformly spaced transverse strips arranged transversely to the machine direction of the film [reel].